

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
HELD ON WEDNESDAY, SEPTEMBER 14, 2005
AT 7:00 P.M.
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LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: NONE

Also in attendance: Jerome R. Schmeiser, Community Planning Consultant
Lawrence W. Dloski, Township Attorney
James Van Tiflin, Township Engineer of Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (*With any corrections*)

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

3. Approval of both Bill Runs

MOTION by KRZEMINSKI seconded by BUCCI to approve both bill runs as submitted.

MOTION carried.

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4. Approval of the August 24, 2005 previous Meeting Minutes

MOTION by DUNN seconded by MALBURG to approve the revised August 24, 2005 previous Meeting Minutes as submitted.

MOTION carried.

5. CONSENT AGENDA ITEMS:

- 5a. Clerks Department:

1. Landscape Bond Return; Sec. 22; Wingate Subdivision
2. Wall Sign Bond Return; Sec. 20; The Blend
3. Wall Sign Bond Return; Sec. 29; Yummy Town
4. Release of As-Built Bond; Sec. 26; Hidden Meadows South Subdivision
5. Release of Site Plan Bond; Sec. 20; Schoolhouse Montessori
6. Release of Site Plan Bond; Sec. 18; Quadrate Corporate Park, Lots 15 & 16
7. Release of Site Plan Bond; Sec. 33; Windemere Office Building
8. Ground Sign Bond Return; Sec. 05; Country Club Village of the N Park A
9. Ground Sign Bond Return; Sec. 05; Country Club Village of the N Lot 1
10. Ground Sign Bond Return; Sec. 05; Country Club Village of the N Lot 251
11. Underground Utilities Bond Release; Sec. 27; Brittany Farms Subdivision

- 5b. Water & Sewer Department:

1. Easement Encroachment Agreement; Lot 23 Parkview Commons Sub.
2. Easement Encroachment Agreement; Lot 195, Bayberry Park Subdivision.
3. Easement Encroachment Agreement; Lot 281 Villa Rosa Subdivision.

MOTION by KOEHS seconded by MALBURG to approve the consent agenda items as submitted.

MOTION carried.

6. PUBLIC COMMENTS (Non Agenda items only - 3 minute time limit)

Public Portion: Representatives on behalf of Mobil Gas Station located at Hall and Heydenreich Roads reviewed their request asking the Board to reconsider their (*July 27, 2005*) action to deny their request to extend the Temporary Certificate of Occupancy for Mobil Gas Station. Supervisor BRENNAN held further discussion with the representatives and recommended that the prior action be upheld and any further consideration be denied.

MOTION by BUCCI seconded by KRZEMINSKI to deny the request to reconsider the Township Board of Trustees July 27, 2005 action denying the request to extend the Temporary Certificate of Occupancy for Mobil Gas Station and to deny the request to reconsider this extension as requested at this meeting. Permanent Parcel No. 08-34-300-024. (Expires 9/22/05)

MOTION carried.

Public Portion: Continued

Victoria Selva, a Township resident and member of the Zoning Board of Appeals, addressed her concerns relating to Commercial sign restrictions within the Township Zoning Ordinance. Mrs. Selva asked the Board to review those areas and to consider amending the ordinance to allow for larger Commercial signs.

PUBLIC HEARING:

7. **Industrial Facilities Exemption Certificate; Majestic Industrial Building;** Located on the south side of Hallmark Drive and approximately 460 feet east of Hayes Road; Majestic Industrial, Petitioner. Permanent Parcel No. 08-18-300-029.

Supervisor BRENNAN opened the Public Hearing at 7:17 p.m.

Public Portion: None

MOTION by DUNN seconded by KOEHS to close the public hearing at 7:19 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to adopt the resolution to approve the tax abatement for a period of six (6) years for the Industrial Facilities Exemption Certificate; Majestic Industrial Building; Permanent Parcel No. 08-18-300-029. The resolution is as follows:

ABATEMENT AGREEMENT

THIS AGREEMENT made and entered into this 14th day of September, 2005, by and between the Township of Macomb, a Michigan Municipal Corporation, whose address is 54111 Broughton Road, Macomb, Michigan 48042 (the "Township") and Majestic Industries, Inc., a Michigan corporation, whose address is 15378 Hallmark Road, Macomb, Michigan 48042 (the "Company"),

WITNESSETH;

WHEREAS, pursuant to 1974 PA 198, as amended, the Company has filed an Application for Industrial Facilities Exemption Certificate with the Township seeking a period of abatement for personal property improvements to be installed in industrial facilities; and

WHEREAS, on September 14, 2005, the Macomb Township Board approved the Application for Industrial Facilities Exemption Certificate for a period of six (6) years; and

WHEREAS, pursuant to 1993 PA 334, amending 1974 PA 198, it is necessary for the Township and Company to enter into an Agreement concerning the Company's fulfillment of its responsibilities as represented in the Application and its commitment to remain as a taxpayer of the Township;

NOW, THEREFORE, in consideration of the Township's approval of the Company's Application for Industrial Facilities Exemption Certificate for a period six (6) years, the Company agrees within two (2) years from the effective date of the Certificate:

- 1. To install machinery and equipment, furniture and fixtures having an estimated value of \$1,628,694.00**
- 2. To retain seventy (70) existing jobs and to create eight (8) new jobs within two years as a result of the project;**
- 3. In the event the Company moves its operation from the Township within the abatement period six (6) years, to pay to the Township and all taxing units a sum equal to all ad valorem real and personal property taxes that the Company would have paid had this abatement not been granted during the period of operation in the Township, reduced by all paid Industrial Facility Taxes;**
- 4. In the event that the Company does not comply with the terms and conditions imposed by Macomb Township as a condition for granting an Industrial Facilities Exemption Certificate, then Macomb Township may, at its option, either revoke or reduce the amount of tax abatement granted to the Company;**
- 5. The Abatement Agreement is hereby incorporated and made a part of the Township resolution approving the Company's request for an Industrial Facilities Exemption Certificate.**

6. No later than two (2) years from the effective date of the Industrial Facilities Exemption Certificate, the Company shall provide Macomb Township with documentation that it has complied with the terms and conditions required by Macomb Township for the granting of an Industrial Facilities Exemption Certificate.

In the Presence of:
Michigan

TOWNSHIP OF MACOMB, a
Municipal Corporation

By: _____
John D. Brennan,
Its Supervisor

By: _____
Michael D. Koehs,
Its Clerk

In the Presence of:

MAJESTIC INDUSTRIES, INC.,
a Michigan Corporation

By: _____
James Butler, Its _____

FOR THIS MOTION: KRZEMINSKI, NEVERS, DUNN, MALBURG, BUCCI,
KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

RESOLUTION DECLARED ADOPTED.

8. Industrial Facility Exemption Certificate; Baker Machining and Mold Technologies (Lots 8 & 9) of the Macomb Corporate Center; Located on the south side of Enterprise Drive, east of Corporate Drive. Baker Machining and Mold Technologies, Petitioner. Permanent Parcel No. 08-20-104-005

Supervisor BRENNAN reviewed the item and opened the Public Hearing at 7:20 p.m.

Public Portion: None

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MOTION by BUCCI seconded by MALBURG to close the public hearing at 7:22 p.m.

MOTION carried.

MOTION by BUCCI seconded by MALBURG to adopt the resolution to approve for a period of twelve (12) years the Industrial Facility Exemption Certificate; Baker Machining and Mold Technologies (Lots 8 & 9) of the Macomb Corporate Center; Permanent Parcel No. 08-20-104-005. The resolution is as follows:

ABATEMENT AGREEMENT

THIS AGREEMENT made and entered into this 14th day of September, 2005, by and between the Township of Macomb, a Michigan Municipal Corporation, whose address in 54111 Broughton Road, Macomb, Michigan 48042 (the "Township") and Baker Machining and Mold Technologies, Inc., a Michigan corporation, whose address is 16936 Enterprise Drive, Macomb, Michigan 48044 (the "Company"),

WITNESSETH;

WHEREAS, pursuant to 1974 PA 198, as amended, the Company has filed an Application for Industrial Facilities Exemption Certificate with the Township seeking a period of abatement for personal property improvements to be installed in industrial facilities; and

WHEREAS, on September 14, 2005, the Macomb Township Board approved the Application for Industrial Facilities Exemption Certificate for a period of twelve (12) years; and

WHEREAS, pursuant to 1993 PA 334, amending 1974 PA 198, it is necessary for the Township and Company to enter into an Agreement concerning the Company's fulfillment of its responsibilities as represented in the Application and its commitment to remain as a taxpayer of the Township;

NOW, THEREFORE, in consideration of the Township's approval of the Company's Application for Industrial Facilities Exemption Certificate for a period of twelve (12) years, the Company agrees within two (2) years from the effective date of the Certificate:

- 1. To install machinery and equipment, having an estimated value of \$6,744,122.84; building improvements \$1,850,000.00 all having a total estimated value of \$8,594,122.84**

2. To retain an average of fifteen (15) existing jobs and to create twenty-five (25) new jobs as a result of the project;
3. In the event the Company moves its operation from the Township within the abatement period of twelve (12) years, to pay to the Township and all taxing units a sum equal to all ad valorem real and personal property taxes that the Company would have paid has this abatement not been granted during the period of operation in the Township, reduced by all paid Industrial Facility Taxes;
4. In the event that the Company does not comply with the terms and conditions imposed by Macomb Township as a condition for granting an Industrial Facilities Exemption Certificate, then Macomb Township may, at its option, either revoke or reduce the amount of tax abatement granted to the Company;
5. The Abatement Agreement is hereby incorporated and made a part of the Township resolution approving the Company's request for an Industrial Facilities Exemption Certificate.
6. No later than two (2) years from the effective date of the Industrial Facilities Exemption Certificate, the Company shall provide Macomb Township with documentation that it has complied with the terms and conditions required by Macomb Township for the granting of an Industrial Facilities Exemption Certificate.

In the Presence of:

**TOWNSHIP OF MACOMB, a
Michigan Municipal Corporation**

By: _____
**John D. Brennan,
Its Supervisor**

By: _____
**Michael D. Koehs,
Its Clerk**

In the Presence of:

**BAKER MACHINING AND
MOLD TECHNOLOGIES, INC.,
a Michigan Corporation**

By: _____
Kevin M. Baker, Its President

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**FOR THIS MOTION: KRZEMINSKI, DUNN, MALBURG, NEVERS, BUCCI,
KOEHS, BRENNAN**

OPPOSED: NONE

ABSENT: NONE

RESOLUTION DECLARED ADOPTED.

PLANNING COMMISSION:

9. **Rezoning; Agricultural (AG) to Light Industrial (M1);** Located on the south side of 23 Mile, approximately 1052 feet east of future Garfield Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-100-012.

This matter was tabled to the September 28, 2005 Meeting at the petitioner's written request.

10. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the southeast corner of 23 Mile Road and Corporate Drive; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-001.

This matter was tabled to the September 28, 2005 Meeting at the petitioner's written request.

11. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the west side of Corporate Drive, approximately 300 feet south of 23 Mile Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-002.

This matter was tabled to the September 28, 2005 Meeting at the petitioner's written request.

12. **Rezoning; Residential, One Family Suburban (R-1-S) to Residential, One Family Urban (R-1);** Located on the south side of 23 Mile Road, approximately ¼ mile west of North Avenue; RCM Land Company, LLC, Petitioner. Permanent Parcel Nos. 08-23-201-004, 08-23-251-002 and 08-23-251-003.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Representative on behalf of Lombardo Companies, name was not stated.

MOTION by KOEHS seconded by KRZEMINSKI to approve the rezoning request from Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1). Further the subject property which was created as a result of a consent judgment now conforms with Township regulations with respect to development for R-1 purposes, i.e. 3 units per acre or less. Subject property is provided with access to public roads through one existing residential development by way of Cranberry Creek Drive, and one direct access to North Avenue. Therefore, subject property meets development objectives of the Master Plan as well as development patterns within the immediate area. Permanent Parcel Nos. 08-23-201-004, 08-23-251-002 and 08-23-251-003.

MOTION carried.

13. **Revised Preliminary Plan; Macomb Town Center South;** Located on the northeast corner of 24 Mile Road and future Luchtman Road. Polaris Enterprises, Petitioner. Permanent Parcel No. 08-09-300-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the Revised Preliminary Plan; Macomb Town Center South; Permanent Parcel No. 08-09-300-014

MOTION carried.

14. **Final Plan; Macomb Town Center South;** Located on the northeast corner of 24 Mile Road and future Luchtman Road. Polaris Enterprises, Petitioner. Permanent Parcel No. 08-09-300-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

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MOTION by KRZEMINSKI seconded by NEVERS to approve the Final Plan; Macomb Town Center South; Permanent Parcel No. 08-09-300-014

MOTION carried.

15. **Temporary Ground Sign; Macomb Town Center South;** Located on the northeast corner of 24 Mile Road and future Luchtman Road. Terri Irvine, Petitioner. Permanent Parcel No. 08-09-300-014

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the Temporary Ground Sign for one (1) year; Macomb Town Center South; Permanent Parcel No. 08-09-300-014

MOTION carried.

16. **Extension of Time; Tentative Preliminary Plat; Pine Valley Subdivision;** Located on the east side of Luchtman Road approximately ¼ mile south of 26 Mile Road; Northern Macomb Development, Petitioner. Permanent Parcel No. 08-04-100-034 **(Expires August 25, 2005)**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Joseph Locricchio

Public Portion: None

MOTION by BUCCI seconded by KOEHS to approve the Extension of Time for one (1) year; Tentative Preliminary Plat; Pine Valley Subdivision from August 25, 2005 to expire August 25, 2006. Permanent Parcel No. 08-04-100-034

MOTION carried.

17. **Final Preliminary Plat; Pine Valley Subdivision;** Located on the east side of Luchtman Road approximately ¼ mile south of 26 Mile Road; Northern Macomb Development, Petitioner. Permanent Parcel No. 08-04-100-034

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Jerome R. Schmeiser Community Planning Consultant, reviewed the proposal and the recommendation for approval.

Petitioner Present: Joseph Locricchio

Public Portion: None

MOTION by KOEHS seconded by MALBURG to approve the Final Preliminary Plat for Pine Valley Subdivision pursuant to the conditions set forth by the Planning Commission that the landscape plan be revised to include the proper dimensions of the two (2) signs and walls and to correct the sidewalk continuation to abutting streets at the T-intersections. Permanent Parcel No. 08-04-100-034.

MOTION carried.

18. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the north side of 22 Mile Road, ½ mile west of Romeo Plank Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-20-451-006.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed the rezoning requests listed as item numbers 18, 19, 20, 21, 22 & 23 petitioned by the Township. Mr. Schmeiser reviewed the reasons for rezoning the parcels in question and indicated eliminating spot zones to conform to the Township Master Plan.

Petitioner Present: Macomb Township

Property Owner(s): Not present

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the rezoning request from Agricultural (AG) to Residential, One-Family Urban (R-1); Permanent Parcel No. 08-20-451-006.

MOTION carried.

19. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the south side of 22 Mile Road, ½ mile west of Romeo Plank Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-29-100-030.

This item was simultaneously reviewed with agenda item number 18.

Petitioner Present: Macomb Township

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Property Owner(s): Not present

Public Hearing: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning request from Agricultural (AG) to Residential, One-Family Urban (R-1); Permanent Parcel No. 08-29-100-030.

MOTION carried.

20. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the south side of 22 Mile Road, ½ mile west of Romeo Plank Road;
Macomb Township, Petitioner. Permanent Parcel No. 08-29-100-031.

This item was simultaneously reviewed with agenda item number 18.

Petitioner Present: Macomb Township

Property Owner(s): Not present

Public Portion: None

MOTION by KRZEMINSKI seconded by KOEHS to approve the rezoning request from Agricultural (AG) to Residential, One-Family Urban (R-1); Permanent Parcel No. 08-29-100-031.

MOTION carried.

21. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the south side of 22 Mile Road, approximately ½ mile west of Romeo
Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-29-201-
004.

This item was simultaneously reviewed with agenda item number 18.

Petitioner Present: Macomb Township

Property Owner(s): Not present

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the rezoning request from Agricultural (AG) to Residential, One-Family Urban (R-1); Permanent Parcel No. 08-29-201-004.

MOTION carried.

22. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the south side of 22 Mile Road, approximately ½ mile west of Romeo
Plank; Macomb Township, Petitioner. Permanent Parcel No. 08-29-201-009.

This item was simultaneously reviewed with agenda item number 18.

Petitioner Present: Macomb Township

Property Owner(s): Not present

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning
request from Agricultural (AG) to Residential, One-Family Urban (R-1);
Permanent Parcel No. 08-29-201-009.**

MOTION carried.

23. **Rezoning; Agricultural (AG) to Residential, One-Family Urban (R-1);**
Located on the south side of 22 Mile Road, approximately ½ mile west of Romeo
Plank Road; Macomb Township, Petitioner. Permanent Parcel No. 08-29-201-
011.

This item was simultaneously reviewed with agenda item number 18.

Petitioner Present: Macomb Township

Property Owner(s): Not present

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve the rezoning
request from Agricultural (AG) to Residential, One-Family Urban (R-1);
Permanent Parcel No. 08-29-201-011.**

MOTION carried.

OLD BUSINESS:

24. Building Authority Re-Appointment

Supervisor BRENNAN reviewed the request.

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MOTION by KRZEMINSKI seconded by DUNN to approve the request to re-appoint Salvatore DiCaro, Parks & Recreation Director as a member of the Building Authority Board for a three (3) year term effective June 30, 2005 to expire June 30, 2008.

FOR THIS MOTION: KOEHS, DUNN, NEVERS, BUCCI, KRZEMINSKI, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

25. **Return Site Plan Bond; Seneca Middle School;** Located on the northeast corner of 21 Mile Road and Heydenreich Road. Chippewa Valley School District, Petitioner. Permanent Parcel No. 08-27-300-011

Supervisor BRENNAN reviewed the request and indicated that schools are exempt and not required to provide the Township with Site Plan Bond funds.

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the request to Release the Site Plan Bond; Seneca Middle School; Permanent Parcel No. 08-27-300-011

MOTION carried.

26. **Release of Site Plan Bond; Highland Hills Condominiums (Phase III);** Located on the west side of Romeo Plank Road, ½ mile south of 23 Mile Road; Lombardo Companies, Petitioner. Permanent Parcel No. 08-20-426-006

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by DUNN to approve the request to return the Site Plan Bond; Highland Hills Condominiums (Phase III) Permanent Parcel No. 08-20-426-006

MOTION carried.

27. **Revoke Site Plan Bond; Hunters Pond/ Westcreek Estates Condominiums;** Located on the south side of 24 Mile Road and east of Hayes

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Road. Macomb Township, Petitioner. Permanent Parcel Nos. 08-18-100-027 & 08-18-100-008

James Van Tiflin, Township Engineer, reviewed the request and recommended that the Township retain fifteen thousand dollars and 00/100 (\$15,000.00) of the site plan bond to complete the landscape plan as approved. Mr. Van Tiflin indicated that the remaining site plan bond funds can be returned to the developer.

Public Portion: Several residents who reside within the condominiums addressed their concerns regarding the landscape berm and the need for a revised site plan excluding the development of pedestrian pathways.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request and retain fifteen thousand dollars and 00/100 (\$15,000.00) of the Hunters Pond/ Westcreek Estates Condominiums Site Plan Bond to complete the landscape plan as approved. The remaining funds can be returned to the developer. This approval was granted conditioned on a revised Site Plan being submitted to Township Clerks Department excluding asphalt pathways. Permanent Parcel Nos. 08-18-100-027 & 08-18-100-008

MOTION carried.

NEW BUSINESS:

28. **Liquor License Pre-Qualification Application; Baker's Square;** Located on the northeast corner of 21 Mile Road and Hayes Road (excluding the immediate corner); Gary Burke, Petitioner. Permanent Parcel No. 08-30-354-024 (Address: 47250 Hayes Road)

Supervisor BRENNAN reviewed the request.

Petitioner(s) Present: Patrick Alandt and Brandon Gilbert

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to approve the Liquor License Pre-Qualification Application; Baker's Square Permanent Parcel No. 08-30-354-024 (Address: 47250 Hayes Road)

MOTION carried.

29. **Liquor License Pre-Qualification Application; McDonalds of Macomb;** Located on the southeast corner of 23 Mile Road and Card Road (except the

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immediate corner); McDonald's of Macomb, LLC. Permanent Parcel No. 08-23-100-029. (21940 23 Mile Road)

Supervisor BRENNAN reviewed the request.

Petitioner(s) Present: Nunzio Provenzano, Dale McDonald & Shawn McDonald.

Public Portion: None

MOTION by KOEHS seconded by BUCCI to accept with merit this Liquor License Pre-Qualification Application; McDonald's of Macomb; and proceed to the next step. Permanent Parcel No. 08-23-100-029. (21940 23 Mile Road)

MOTION carried.

30. **Request to Adopt Resolution No. 1; Special Assessment District; Retention Basin; Legacy Farms Subdivision No. 2; Located on the west side of Fairchild, approximately ¼ mile north of 22 Mile Road; Classic Development, Petitioner. Permanent Parcel No. 08-24-401-004. (Public Hearing Date: 10-12-05)**

Supervisor BRENNAN recommended to proceed with the administrative matter.

MOTION by BUCCI seconded by KRZEMINSKI to Adopt Resolution No. 1; Special Assessment District; Retention Basin; Legacy Farms Subdivision No. 2; Public Hearing Date: 10-12-05. Permanent Parcel No. 08-24-401-004. The resolution is as follows:

Legacy Farms #2 Subdivision

RESOLUTION NO. 1

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on September 14, 2005, at 7:00 o'clock P.M., Eastern Daylight Saving Time.

PRESENT: BRENNAN, KOEHS, MALBURG, BUCCI, DUNN, KRZEMINSKI, NEVERS

ABSENT: NONE

The following preamble and resolution were offered by Member BUCCI and supported by Member KRZEMINSKI.

WHEREAS, final approval of Legacy Farms Subdivision No. 2 (the "Plat") has been requested by the proprietor(s) thereof; and

WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192, et seq. of the State Land Division Act (the "Act"), requiring that the proprietor(s) provide a detention basin is satisfied; and

WHEREAS, Legacy Farms Subdivision Association (the "Association") and/or lot owners in Legacy Farms Subdivision #2 are responsible for the maintenance and operation of the detention basins pursuant to and in accordance with a Declaration of Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of Plat; and

WHEREAS, in the event the Association and/or Lot owners refuse, fail or neglect to maintain the detentions basins which results in conditions threatening public health, safety or welfare thus requiring the Township to abate such conditions; and

WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the detention basins, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property located in such district by the imposition of a special assessment levy; and

WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of operation and maintenance of the detention basins multiplied by the fraction, the numerator of which is one (1) and the dominator of which is the total number of lots in the Plat; and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of the Act, proper notice must be given and a hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the detention basins by special assessment on the property benefited thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192(a) of the Act and such Special Assessment District shall consist of a portion of the property contained within the Plat.

2. That the Township Board give notice of and hold a public hearing on October 12, 2005, on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the detention basins by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the detention basins shall include, but not be limited to, the operation and maintenance, the cutting of grass and the removal of weeds and other debris.

3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matter and things authorized or permitted to be done in the hereinabove resolution.

AYES: BUCCI, KRZEMINSKI, MALBURG, DUNN, NEVERS, KOEHS,
BRENNAN

NAYS: NONE

ABSENT: NONE

Michael D. Koehs, CMC
Macomb Township Clerk

RESOLUTION DECLARED ADOPTED.

31. **Request to approve contract for Street Lighting; Lake Arrowhead Site Condominiums (Phase I);** Located on the east side of Card Road approximately ½ mile north of 21 Mile Road; Christopher Cousino, Petitioner. Permanent Parcel No. 08-26-100-006

Supervisor BRENNAN reviewed the request.

Public Portion: None

Petitioner Present: Christopher Cousino

MOTION by KOEHS seconded by MALBURG to approve the contract for Street Lighting; Lake Arrowhead Site Condominiums (Phase I); Permanent Parcel No. 08-26-100-006. The resolution is as follows:

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TOWNSHIP OF MACOMB
AND
LAKE ARROWHEAD PHASE ONE CONDOMINIUMS
AGREEMENT FOR STREET LIGHTING

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on September 14, 2005, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Trustee KOEHS and supported by Trustee MALBURG.

WHEREAS, the Lake Arrowhead Phase One Condominiums, desires to provide entranceway street lighting for the benefit of its co-owners; and

WHEREAS, the Lake Arrowhead Phase One Condominiums are administered by an association of co-owners; and

WHEREAS, the Detroit Edison Company will not contract with the Lake Arrowhead Phase One Condominiums Association to provide street lighting; and

WHEREAS, the Detroit Edison Company's policy to contract with the municipality for street lighting installed by the Detroit Edison Company in the municipality; and

WHEREAS, the Lake Arrowhead Phase One Condominium Association has requested that Macomb Township enter into a contract with Detroit Edison to provide street lighting at the Lake Arrowhead Phase One Condominiums; and

WHEREAS, the Township Board of Trustees has approved a contract with Detroit Edison for the benefit of the Lake Arrowhead Phase One Condominiums upon certain terms and conditions set forth herein; and

WHEREAS, in order to provide street lighting and reimburse Macomb Township for the costs the Township incurred as a result of contracting with the

Detroit Edison Company to provide street lighting on behalf of the Lake Arrowhead Phase One Condominiums, the Lake Arrowhead Phase One Condominium Association agrees to enter into this agreement; and

WHEREAS, the Lake Arrowhead Phase One Condominium Association will reimburse Macomb Township its costs incurred to Detroit Edison for the construction costs, including labor, materials, overhead, and annual lamp charges that benefit the Lake Arrowhead Phase One Condominiums; and

WHEREAS, the Lake Arrowhead Phase One Condominium Association represents and warrants that the association has the power and authority to contract with Macomb Township for the purpose of reimbursing Macomb Township costs incurred by the Township to the Detroit Edison Company on behalf of the Lake Arrowhead Phase One Condominiums; and

WHEREAS, the Lake Arrowhead Phase One Condominium Association has requested the Detroit Edison Company to furnish, install, operate and maintain street lighting facilities as set forth in the Detroit Edison Company proposal No. 649417 dated August 10, 2005, which is made a part of this agreement;

NOW THEREFORE,

- 1. Macomb Township shall execute an Agreement for Municipal Street Lighting with the Detroit Edison Company for the benefit of the Lake Arrowhead Phase One Condominiums, the purpose of which will be to furnish, install, operate and maintain entranceway street lighting equipment and facilities in accordance with proposal No. 649417 dated August 10, 2005, attachment A.**
- 2. All costs associated with providing entranceway street lighting to the Lake Arrowhead Phase One Condominiums and which costs are paid by Macomb Township directly to the Detroit Edison Company, shall be reimbursed by the Lake Arrowhead Phase One Condominiums, upon demand by Macomb Township.**
- 3. The Lake Arrowhead Phase One Condominiums understands that the costs to operate and maintain street lighting facilities set forth in proposal No. 649417 may increase from year to year.**
- 4. The Lake Arrowhead Phase One Condominium Association on behalf of the Lake Arrowhead Phase One Condominiums agrees to reimburse Macomb Township any increase over the initial contract which may be incurred by Macomb Township to the Detroit Edison Company to provide street lighting to the Lake Arrowhead Phase One Condominiums.**
- 5. The Lake Arrowhead Phase One Condominium Association represents and warrants that the Association is vested with authority to enter into this agreement**

and covenants on behalf of its co-owners to reimburse Macomb Township for any and all payments made by the Township to Detroit Edison Company on behalf of Lake Arrowhead Phase One Condominiums.

6. In the event that the Lake Arrowhead Phase One Condominiums fail and/or refuse for a period of ten (10) days after demand for payment to reimburse Macomb Township for monies paid on behalf of the Lake Arrowhead Phase One Condominiums to Detroit Edison, then Macomb Township may request Detroit Edison to remove the street lights and lighting facilities and any costs that are incurred as a result of said removal shall be the responsibility of the Lake Arrowhead Phase One Condominiums.

7. Macomb Township may avail itself of all legal and equitable remedies to collect any amounts which Macomb Township pays to the Detroit Edison Company on behalf of the Lake Arrowhead Phase One Condominiums and which amounts have not been reimbursed to Macomb Township, together with all costs incurred by Macomb Township to recover such sums including actual attorney fees.

8. The Lake Arrowhead Phase One Condominiums Association on behalf of itself and each of the co-owners of the Lake Arrowhead Phase One Condominiums, agree to hold harmless, indemnify and defend Macomb Township, its trustees, agents and employees from any and all claims, losses, actions, suits, judgments, attorney fees, costs, liabilities and expenses whatsoever which may hereafter be asserted by any person or other entity against Macomb Township for any acts, transactions, or occurrences arising out of the installation and/or operation of street lighting as provided for in this agreement.

TOWNSHIP OF MACOMB

**LAKE ARROWHEAD PHASE ONE
CONDOMINIUMS**

**By: _____
Michael D. Koehs, Clerk**

**By: _____
, Its President**

**By: _____
John D. Brennan, Supervisor**

**By: _____
, Its Vice-President**

Dated: _____

Dated: _____

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WITNESSED:

WITNESSED:

**FOR THIS MOTION: KOEHS, MALBURG, BUCCI, DUNN, KRZEMINSKI,
NEVERS, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

RESOLUTION DECLARED ADOPTED.

32. **Request of Engineering Variance; Chippewa Valley School (Sequoyah Elementary);** Located on the south side of 24 Mile Road, east of Romeo Plank Road. Chippewa Valley Schools, Petitioner. Permanent Parcel No. 08-17-226-004

James Van Tiflin, Township Engineer, reviewed the variance request and the recommendation to approve the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by KOEHS to approve the Engineering Variance Request; Chippewa Valley School (Sequoyah Elementary); To eliminate the construction of approximately 3000 feet of concrete curb and gutter not within the parking area, just the entrance drive going out to 24 Mile Road. Permanent Parcel No. 08-17-226-004

MOTION carried.

OLD BUSINESS:

33. Request to authorize the Township Attorney to defend Lee v Township of Macomb

Supervisor BRENNAN recommended to proceed with the administrative matter.

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MOTION by BUCCI seconded by KRZEMINSKI to approve the request to authorize the Township Attorney to defend Lee v Township of Macomb.

MOTION carried.

BROADCAST MEDIA DEPARTMENT:

34. Request to approve professional installation of Playback Center

James Gillis, Broadcast Media Director, reviewed the request.

MOTION by DUNN seconded by BUCCI to award the project to Roscor Corporation to professionally install and coordinate various pieces of legacy and new equipment into the government Access Playback Center located at the Old Township Hall Section 16. Shipping fees have been estimated at Two Hundred Fifty dollars and 00/100 (\$250.00) making the total price for this project Three Thousand Eighty Nine Dollars and 00/100 (\$3,089.00).

MOTION carried.

BUILDING DEPARTMENT:

35. Plumbing Inspector Fall Conference Request

Bob Beckett, Building Official, reviewed the request

MOTION by DUNN seconded by NEVERS to approve the request to allow plumbing inspectors George Ryan and Ken Borycz attend the plumbing inspectors fall conference for the total cost of Seven Hundred One dollars and 00/100 (\$701.00). The conference begins October 19, 2005 and ends October 21, 2005 in Boyne Highland Michigan.

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

36. Resolution Restating Benefits for the Township Supervisor, Clerk, Treasurer and Trustees

John Brogowicz, Human Resource Director, reviewed the request.

MOTION by KRZEMINSKI seconded by NEVERS to adopt the Resolution Restating Benefits for the Township Supervisor, Clerk and direct the Human Resource Director to research additional items for possible amendments to this resolution in the future. The resolution as approved follows as:

TOWNSHIP OF MACOMB

RESOLUTION

RESTATING BENEFITS FOR THE

TOWNSHIP SUPERVISOR, CLERK, TREASURER AND TRUSTEES

WHEREAS, the Macomb Township Board of Trustees has considered, discussed and granted certain benefits to Township elected officials, i.e., Supervisor, Clerk, Treasurer, and Trustees; and

WHEREAS, the Board of Trustees desires to adopt a resolution restating the benefits that have been given to the elected officials;

NOW THEREFORE,

1. The Supervisor, Clerk, and Treasurer, during their term of office, shall be provided the following benefits:

- ! Medical and Hospitalization Insurance**
- ! Dental Insurance**
- ! Vision Insurance**
- ! Pension (401(a) Defined Contribution)**
- ! Deferred Compensation 457(b) - optional**
- ! Group Term Life Insurance (\$20,000)**
- ! Long-term Disability Insurance**
- ! Social Security**
- ! Worker's Compensation Insurance**
- ! Tuition Reimbursement**
- ! Retiree Medical Insurance Benefits as set forth below**

2. The Township Supervisor, Clerk and Treasurer shall be eligible for retiree benefits: life insurance, medical & hospitalization, dental, and vision insurance for themselves and

their spouse at the time of retirement. The insurance providers and types of coverage will be at the discretion of the Township Board of Trustees. The Township Supervisor, Clerk, and Treasurer will be vested in the retiree program at the rate of 33 1/3% for every four (4) years served within their capacity as elected officials. The years in office do not have to be consecutive nor do they have to be for the same elected position, however, only the positions of Supervisor, Clerk, and Treasurer qualify. A year is defined as 265 continuous days of service, or 70% of 365 days beginning and ending on November 20th of each year, in order to be vested. If the Township Supervisor, Clerk, or Treasurer serves less than eight (8) full years, no retiree benefits will be afforded. If the Township Supervisor, Clerk, or Treasurer complete eight (8) years in office, as defined above, they will be entitled to partial retirement benefits whereby the Township will pay 66 2/3% of the insurance premium(s) for the elected official and their spouse at the time of retirement for medical, vision, and dental insurance. Qualifications for retirement benefits are as follows:

- ! Normal retirement: an elected official age 62 or older who has served ten (10) or more years in the position(s) of supervisor, clerk and/or treasurer; or
- ! Deferred retirement: 1. An elected official who has served eight (8) but less than twelve (12) years in the position(s) of supervisor, clerk, and/or treasurer shall be eligible for deferred retiree benefits at age 62 whereby the Township shall pay 66 2/3% the cost of benefits and the elected official shall pay 33 1/3% the cost of benefits; or 2. An elected official who has served twelve (12) or more years in the position(s) of supervisor, clerk, and/or treasurer shall be eligible for deferred retiree benefits at age 62 whereby the Township shall pay 100% of the cost of benefits.

3. Township trustees during their term in office shall be provided the following benefits:

- ! **Dental Insurance**
- ! **Vision Insurance**
- ! **Pension**
- ! **Deferred Compensation 457(b) - optional**
- ! **Group Term Life Insurance (\$20,000)**
- ! **Social Security**
- ! **Tuition Reimbursement**
- ! **Workers Compensation Insurance**

4. **Township trustees and their spouses are not eligible for retiree life insurance, medical & hospitalization, dental, and vision insurance.**

This resolution adopted by the Macomb Township Board of Trustees at its meeting on September 14, 2005.

Ayes: Members: Krzeminski, Nevers, Dunn, Bucci, Malburg, Koehs, Brennan.

Nays: Members: None

Absent: Members: None

Michael D. Koehs, Clerk
Township of Macomb

RESOLUTION DECLARED ADOPTED.

37. **Request to Hire three (3) Sergeants for the Fire Department**

John Brogowicz, Human Resource Director, reviewed the request.

MOTION by DUNN seconded by KOEHS to approve the request to offer John Henry DeCook, Dwayne E. Thompson and Richard Williams the full-time sergeant positions with Macomb Township Fire Department with an annualized salary of Fifty Two Thousand Seven Hundred Sixty Eight dollars and 00/100 (\$52,768.00) per employee. Their offers of employment will be contingent upon the following: 1. Written acceptance of their respective offer of employment within five (5) days of September 14, 2005; 2. Successful completion of the Psychological Evaluation Part II; 3. A post offer/pre-hire physical examination and 4. The successful passing of a pre-employment drug screen and final background check. Their anticipated dates of hire will be on or after October 3, 2005.

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**FOR THIS MOTION: DUNN, KOEHS, MALBURG, BUCCI, KRZEMINSKI,
NEVERS, BRENNAN.**

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

38. Commemorative Plaques for Township Buildings:
- Town Hall Building
 - Recreation Center
 - Fire Station III and IV
 - Waldenburg Park
 - Macomb Corners Park

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to approve the request for commemorative plaques for Township Facilities and award the contract for signage to Innerface Sign Systems, Inc. for the total project cost of Fourteen Thousand Six Hundred Sixty Three dollars and 40/100 (\$14,663.40) plus any additional fees involving freight or sales taxes.

MOTION carried.

39. Request(s) for Leave of Absence

- 39a. Request for a Personal Leave of Absence from the Fire Department.

John Brogowicz, Human Resource Director, reviewed the request.

MOTION by BUCCI seconded by KRZEMINSKI to approve the leave of absence request for Fire Fighter Nicholas Slanda for a time period of sixty (60) days beginning September 2, 2005 until approximately November 2, 2005 as covered in the Collective Bargaining Agreement (CBA) between the Township and the Macomb Township Fire Fighters Association.

MOTION carried.

- 39b. Request for a Personal Leave of Absence from the Water & Sewer Department

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John Brogowicz, Human Resource Director, reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the Family Medical Leave of Absence request for Kevin Misch Water & Sewer Department Utility Worker 2005 as covered in the Collective Bargaining Agreement between the Township and AFSCME Local 1103-C.

MOTION carried.

39c. Request for a Personal Leave of Absence from the Human Resource Department

John Brogowicz, Human Resource Director, reviewed the request.

MOTION by KOEHS seconded by KRZEMINSKI to approve the Family and Medical Leave of Absence request for Sharalyn Arft, specialist in the Human Resource Department beginning September 2, 2005 until approximately December 25, 2005 as covered in the Collective Bargaining Agreement between the Township and AFSCME Local 1917.

MOTION carried.

Addition:

39d. Request to Hire A Temporary Employee for the Human Resource Department

John Brogowicz, Human Resource Director, reviewed the request.

MOTION by DUNN seconded by BUCCI to approve the request to hire a temporary employee for Human Resource Department as outlined in the Collective Bargaining Agreements between the Township and AFSCME to assist the Department during Sharalyn Arft's leave of absence.

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

40. Yearly Fee for Telephone Maintenance Contract

Salvatore DiCaro, Parks & Recreation Director, reviewed the request.

MOTION by KOEHS seconded by MALBURG to approve the yearly SBC Global Service, Inc fee for the telephone maintenance contract for the total cost of Two Thousand Forty Nine dollars and 60/100 (\$2,049.60) which will cover maintenance from August 2005 through July 2006.

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MOTION carried.

Addition:

- 40a. Hurricane Katrina Relief Benefit; Saturday, October 1, 2005
Macomb Township Recreation Center (7:00 p.m. – 9:00 p.m.)
Suburban Ice Arena (8:15 p.m. – 10:15 p.m.)
* All proceeds will be donated to the American Red Cross for the relief fund for
Hurricane Katrina. - *Informational only, no action taken*

WATER & SEWER DEPARTMENT:

41. Pedestrian Pathway Easement, Victory Nissan Development

James VanTiflin, Township Engineer, reviewed the request.

MOTION by KOEHS seconded by BUCCI to approve the easement for a non-motorized pedestrian pathway for Victory Nissan MA# 04-151. This Easement is being recorded to release, revoke and replace in its entirety the Easement between the parties dated March 14, 2005, and recorded in the Macomb County Records on June 16, 2005 at Liber 16811, Pages 634 through 638, inclusive. The prior Easement contained erroneous information in the exhibits and this Easement contains the corrected exhibits.

MOTION carried.

42. Stormwater Education Program, Clinton River Watershed Council

James VanTiflin, Township Engineer, reviewed the request.

MOTION by KRZEMINSKI seconded by NEVERS to approve the Stormwater Education Program, Clinton River Watershed Council for the total cost of Two Thousand Six Hundred Forty Five dollars and 88/100 (\$2,645.88). This second year program fee, as agreed in the contract covers the time period from September 1, 2005 – August 31, 2006.

MOTION carried.

BOARD COMMENTS:

43. Supervisor Comments:

- 43a. SEMCOG Information – Information only

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Addition:

- 43b. Fire Station No. 2 Roof Repairs – Informational only
- Shingle Repair

Addition:

- 43c. Fire Station No. 2 Clerical Office Equipment

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by NEVERS to award the project to Work Place Intergrators, Inc. to construct additional permanent clerical office space for Fire Station No. 2 and to purchase additional clerical office equipment. Total project cost Six Thousand Three Hundred Fifty Nine dollars and 43/100 (\$6,359.43).

MOTION carried.

Addition:

- 43d. Phase II of the 25 Mile Road Park and Community Recreation Center

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by KOEHS to move forward with the request and direct the Township Supervisor to research bonding for the future phases of the Community Recreation Center and Macomb Corners Park.

FOR THIS MOTION: KRZEMINSKI, KOEHS, BUCCI, MALBURG, DUNN, NEVERS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

44. Clerk Comments:

Clerk KOEHS reviewed that the number of Election precinct locations has increased.

45. Treasurer Comments: None

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46. Trustees Comments: None

EXECUTIVE SESSION:

MOTION by BUCCI seconded by KRZEMINSKI to adjourn into executive session at 9:13 p.m.

MOTION carried. The Members of the Board reconvened at 9:41 p.m.

47. Sorrentino v Township of Macomb

MOTION by KOEHS seconded by DUNN to deny the Sorrentino v Township of Macomb proposed Consent Judgment

FOR THIS MOTION: KOEHS, DUNN, NEVERS, KRZEMINSKI, MALBURG, BRENNAN.

OPPOSED: BUCCI

MOTION DECLARED ADOPTED.

48. Romeo Plank Investments LLC v Macomb Township

MOTION by KOEHS seconded by MALBURG to authorize legal counsel to appeal the court's decision in the Romeo Plank Investments LLC v Macomb Township.

MOTION carried.

49. Landscapescource.com

MOTION by KOEHS seconded by BUCCI to approve the Landscapescource.com Consent Judgment.

MOTION carried.

Addition:

50. Divito v Township of Macomb

MOTION by KOEHS seconded by NEVERS to deny the proposed Divito v Township of Macomb Consent Judgment.

MOTION carried.

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ADJOURNMENT:

MOTION by BUCCI seconded by KOEHS to adjourn this meeting at 9:42 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh